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REMARKS

The present response is intended to be fully responsive to all points of objection and/or rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application is respectfully requested.

Applicants assert that the present invention is new, non-obvious and useful. Prompt consideration and allowance of the claims is respectfully requested.

Status of Claims

Claims 1-12 are pending in the application.

Claims 1-12 have been rejected.

Claims 1, 4, 7, 8 and 11 have been amended in this submission. Applicants respectfully assert that the amendments to the claims add no new matter.

CLAIM REJECTIONS

35 U.S.C. § 112 Rejections

In the Office Action, the Examiner rejected claims 1-12 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 4, 7, 8 and 11 have been amended to overcome the deficiencies noted by the Examiner. The word "or" has been deleted from these claims. It is respectfully asserted that the foregoing amendment merely addresses matters of form and does not change the literal scope of the claim in any way or result in any prosecution history estoppel.

Applicants respectfully assert that these amendments render claims 1, 4, 5, 7, 8 and 11 proper under 35 U.S.C. § 112 and request that the rejections be withdrawn.

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35 U.S.C. § 103 Rejections

In the Office Action, the Examiner rejected claims 1-10 and 12 under 35 U.S.C. § 103(a), as being unpatentable over Sparks (GB 2 220 848 A) in view of Czernakowski (US 5,409,294).

Applicants respectfully traverse the rejection of claims 1-10 and 12 under Sparks in view of Czernakowski.

Sparks discloses an auxiliary seat, especially for use by children in motor vehicles, built in three sections constituting a seat squab, a back rest and a head rest. The sections are hingedly connected together so that the head rest can be folded rearwardly to lie behind the back rest which can in turn be folded rearwardly to underlie the seat squab. Sparks states that the seat in its folded condition may be used as a booster seat (page 1, lines 3-7).

Czernakowski discloses a safety device for enabling a child to use an adult vehicle seat belt, comprising a cushion including a base having an upper surface for seating engagement by an occupant. The cushion also has two side parts each of which includes a respective side wall. The two parts are slidable relative to one another so as to enable the distance between the side walls to be varied. The device described by Czernakowski does not include a headrest. The purpose stated for varying the distance between the side walls is to enable adjusting the device for use by children of different ages (column 1, lines 5-12).

Applicants assert that neither Sparks nor Czernakowski, alone or in combination, teach or suggest, "a collapsible child safety seat device...wherein the headrest portion can be slidably retracted to at least partially overlap with the backrest portion" as claimed in amended claim 1. It would not be obvious to include "a collapsible child safety seat device...wherein the headrest portion can be slidably retracted to at least partially overlap with the backrest portion" in the device described by Sparks. In particular, in the device described by Sparks, as a result of the folding, the wings of the headrest project upward to provide lateral restraint when used as booster seat (p. 2, lines 21-26). Therefore, slidably retracting the headrest to overlap the backrest would be counterproductive. Thus, neither Sparks nor Czernakowski, alone or in combination, teach or suggest the invention of claim 1.

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An obviousness rejection requires a teaching or a suggestion by the relied upon prior art of all the elements of a claim (M.P.E.P. §2142). Since Sparks or Czernakowski, alone or in combination, do not teach or suggest all the elements of any of independent claim 1, the Examiner fails to establish a prima facie showing that Sparks or Czernakowski, alone or in combination, teach or suggest every feature of claim 1.

Accordingly, Applicants respectfully assert that amended independent claim 1 is allowable. Claims 2-10 and 12 depend from, directly or indirectly, claim 1, and therefore include all the limitations of that claim. Therefore, Applicants respectfully assert that claims 2-10 and 12 are likewise allowable. Accordingly, Applicants respectfully request that the Examiner withdraw the rejections to amended independent claim 1 and to claims 2-10 and 12 dependent thereon.

In the Office Action, the Examiner rejected claim 11 under 35 U.S.C. § 103(a), as being unpatentable over Sparks in view of Czernakowski, and in further view of Burleigh et al. (US 5,487,588).

Applicants respectfully traverse the rejection of claims 1-10 and 12 under Sparks in view of Czernakowski and in further view of Burleigh et al.

Sparks and Czernakowski were discussed above. Burleigh et al. describe a child safety seat for use in a vehicle comprises a seat body having a seat portion and a backrest portion. In order to connect the seat body to a motor vehicle, a pair of attachment buckles are mounted by rigid links on opposite sides of the seat body for movement between first and second positions.

As stated above, Applicants respectfully assert that amended independent claim 1 is allowable. Claim 11 depends from, directly or indirectly, claim 1, and therefore includes all the limitations of that claim. Therefore, Applicants respectfully assert that claim 11 is likewise allowable. Accordingly, Applicants respectfully request that the Examiner withdraw the rejections to amended independent claim 1 and to claim 11 dependent thereon.

In view of the foregoing amendments and remarks, the pending claims are deemed to be allowable. Their favorable reconsideration and allowance is respectfully requested.

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Should the Examiner have any question or comment as to the form, content or entry of this Amendment, the Examiner is requested to contact the undersigned at the telephone number below. Similarly, if there are any further issues yet to be resolved to advance the prosecution of this application to issue, the Examiner is requested to telephone the undersigned counsel.

Please charge any fees associated with this paper to deposit account No. 50-3355.

Respectfully submitted,

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Dated: March 11, 2010

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